

§ 116.55

c. Betterments _____ \$ _____
 Expected savings in repair or maintenance costs:
 a. Repair _____ \$ _____
 b. Maintenance _____ \$ _____
 Costs attributable to requirements of railroad and/or highway traffic _____ \$ _____
 Expenditure for increased carrying capacity _____ \$ _____
 Expired service life of old bridge _____ \$ _____
 Subtotal _____ \$ _____
 Share to be borne by the bridge owner _____ \$ _____
 Contingencies _____ \$ _____
 Total _____ \$ _____
 Share to be borne by the United States _____ \$ _____
 Contingencies _____ \$ _____
 Total _____ \$ _____

(d) The Order of Apportionment of Costs will include the guaranty of costs.

§ 116.55 Appeals.

(a) Except for the decision to issue an Order to Alter, if a complainant disagrees with a recommendation regarding obstruction or eligibility made by a District Commander, or the Chief, Office of Bridge Administration, the complainant may appeal that decision to the Assistant Commandant for Operations.

(b) The appeal must be submitted in writing to the Assistant Commandant for Operations, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, within 60 days after the District Commander's or the Chief's, Office of Bridge Administration decision. The Assistant Commandant for Operations will make a decision on the appeal within 90 days after receipt of the appeal. The Assistant Commandant for Operations' decision of this appeal shall constitute final agency action.

(c) Any Order of Apportionment made or issued under section 6 of the Truman-Hobbs Act, 33 U.S.C. 516, may be reviewed by the Court of Appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for review is filed within 90 days after the date of issuance of the order. The review is described in section 10 of the Truman-Hobbs Act, 33 U.S.C. 520. The review proceedings do not operate as a stay of any order issued under the Truman-Hobbs Act, other than an order of apportionment, nor relieve any bridge owner of any li-

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ability or penalty under other provisions of that act.

[CGD 91-063, 60 FR 20902, Apr. 28, 1995, as amended by CGD 96-026, 61 FR 33663, June 28, 1996; CGD 97-023, 62 FR 33363, June 19, 1997]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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ILLINOIS

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LOUISIANA

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MAINE

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MARYLAND

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MASSACHUSETTS

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 117.683 Pearl River.
 117.684 Bayou Portage.
 117.685 Tchoutacabouffa River.
 117.686 Yazoo River.

MISSOURI

117.687 Missouri River.
 117.689 Osage River.

NEBRASKA

117.691 Missouri River.

NEW HAMPSHIRE

117.697 Hampton River.

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NEW JERSEY

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 117.709 Cheesequake Creek.
 117.711 Cohansey River.
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 117.716 Delaware River.
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 117.723 Hackensack River.
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NORTH CAROLINA

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OHIO

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OREGON

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117.865 Clatskanie River.
117.867 [Reserved]
117.869 Columbia River.
117.871 Coos Bay.
117.873 Coos River.
117.875 Coquille River.
117.879 Isthmus Slough.
117.881 John Day River.
117.885 [Reserved]
117.887 Oregon Slough (North Portland Har-
bor).
117.889 Siuslaw River.
117.891 [Reserved]
117.892 South Slough.
117.893 Umpqua River.
117.895 Wallooskee River.
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RHODE ISLAND [RESERVED]

SOUTH CAROLINA

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117.915 Ashley River.
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117.923 Congaree River.
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117.929 Durham Creek.
117.933 Pee Dee River.
117.935 Rantowles Creek.
117.936 Savannah River.
117.937 Stono River, mile 11.0 at Johns Is-
land, SC.
117.938 Waccamaw River.
117.939 Wando River.
117.940 Stono River, mile 11.0 at Johns Is-
land, SC.

SOUTH DAKOTA

117.941 Missouri River.

TENNESSEE

117.943 Cumberland River.
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117.963 Colorado River.
117.965 Cow Bayou.
117.967 Greens Bayou.
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117.971 Neches River.
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117.979 Sabine Lake.
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VERMONT

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VIRGINIA

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117.999 Blackwater River.
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117.1005 Chincoteague Channel.
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WASHINGTON

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- 117.1035 Columbia River.
- 117.1037 Cowlitz River.
- 117.1039 [Reserved]
- 117.1041 Duwamish Waterway.
- 117.1045 Hood Canal.
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- 117.1063 Willapa River South Fork.
- 117.1065 Wishkah River.

WISCONSIN

- 117.1081 Black River.
- 117.1083 Duluth-Superior Harbor (St. Louis
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- 117.1085 East River.
- 117.1087 Fox River.
- 117.1089 Manitowoc River.
- 117.1091 Menomonee River.
- 117.1093 Milwaukee, Menomonee, and
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- 117.1097 Sheboygan River.
- 117.1099 St. Croix River.
- 117.1101 Sturgeon Bay.
- 117.1103 Upper Mississippi River.
- 117.1105 Wisconsin River.
- 117.1107 Wolf River.

APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES

AUTHORITY: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

SOURCE: CGD 82–025, 49 FR 17452, Apr. 24, 1984, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 117 appear at 63 FR 35529, June 30, 1998.

Subpart A—General Requirements

§ 117.1 Purpose.

This subpart prescribes general requirements relating to the use and operation of drawbridges across the navigable waters of the United States.

NOTE: The primary jurisdiction to regulate drawbridges across the navigable waters of the United States is vested in the Federal

Government. Laws, ordinances, regulations, and rules which purport to regulate these bridges and which are not promulgated by the Federal Government have no force and effect.

§ 117.3 Applicability.

The provisions of this subpart not in conflict with the provisions of Subpart B apply to each drawbridge.

NOTE: For all of the requirements applicable to a drawbridge listed in Subpart B, one must review the requirements in Subpart A and §§ 117.51 through 117.99 of Subpart B, as well as the requirements in Subpart B applicable to the particular drawbridge in question.

§ 117.4 Definitions.

Certain terms used in this part are defined in this section.

Appurtenance. The term “appurtenance” means an attachment or accessory extending beyond the hull or superstructure that is not an integral part of the vessel and is not needed for a vessel’s piloting, propelling, controlling, or collision avoidance capabilities.

Lowerable. The term “lowerable” means the nonstructural vessel appurtenance can be mechanically or manually lowered and raised again. The term “lowerable” also applies to a nonstructural vessel appurtenance which can be modified to make the item flexible, hinged, collapsible, or telescopic such that it can be mechanically or manually lowered and raised again. Failure to make the modification is considered equivalent to refusing to lower a lowerable nonstructural appurtenance that is not essential to navigation. Examples of appurtenances which are considered to be lowerable include, but are not limited to, fishing outriggers, radio antennae, television antennae, false stacks, and masts purely for ornamental purposes. Examples of appurtenances which are not considered to be lowerable include, but are not limited to, radar antennae, flying bridges, sailboat masts, piledriver leads, spud frames on hydraulic dredges, drilling derricks’ substructures and buildings, cranes on drilling or construction vessels, or other items of permanent and fixed equipment.